

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Mitchell Sumpter,)	C/A No. 8:14-180-JFA-JDA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Georgetown County Detention Center, et al.,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Mitchell Sumpter, is a detainee at the Georgetown County Detention Center (GCDC). He brings this action pursuant to 42 U.S.C. § 1983 contending that his constitutional rights have been violated during his detention at GCDC based on black mold infestation, deliberate indifference to his medical needs, and denial of access to the courts.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that defendant GCDC should be summarily dismissed from the action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Recommendation, which was entered on the docket on April 9, 2014. The plaintiff's objections involve the Magistrate Judge's order of April 9, 2014 directing the Clerk to re-file the plaintiff's motion for a declaratory judgment as plaintiff's complaint. Plaintiff requests that a hearing be held on his motion. As the objections do not specifically address the Magistrate Judge's Report and Recommendation, the objections are overruled. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

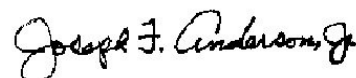
The Magistrate Judge recommends that defendant GCDC is not a "person" who may act under color of state law such that it would be amenable to suit under § 1983, thus, defendant GCDC should be dismissed as a party defendant. This court agrees.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and adopts and incorporates it herein by reference.

Accordingly, defendant GCDC is dismissed from this action. As the Magistrate Judge has authorized service of process on the remaining defendants, this matter shall be returned to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

April 30, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge